

P10/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)****Docket Number (Optional)**
P3245

First named inventor: GORDON, Glen A.

Application No.: 10749,324

Art Unit: 3762

Filed: 31 December 2003

Examiner: unknown

Title: Method and apparatus for pulsed electromagnetic therapy

**RECEIVED
CENTRAL FAX CENTER****AUG 11 2004
OFFICIAL**Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-8916**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee****A.** The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ _____.

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-P10-9189 and select option 2.

PTO/SB/64 (08-03)

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

11 August 2004

Date

Telephone

Number: 360-647-1976

Signature

TODD N. HATHAWAY

Typed or printed name

Reg. No. 32,991

119 N. Commercial Street, #620

Address

Bellingham, WA 98225

Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

11 August 2004

Date

Signature

Heather M. Olson

Type or printed name of person signing certificate

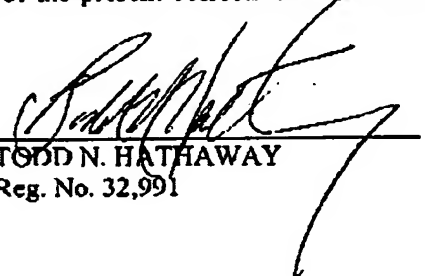
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STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Due to a clerical oversight, a Canadian patent application corresponding to the present U.S. Non-Provisional patent application (Application Number 10/749,324) was inadvertently filed prior to submitting a request for withdrawal from nonpublication with the USPTO. This error was discovered by Applicant's representative during a routine review of the file. The error has been corrected immediately after the discovery by the filing of a USPTO Form SB/36, Rescission of Previous Nonpublication Request and Notice of Foreign Filing. In view of more than forty-five (45) days having elapsed from the date on which the Canadian application was filed, the attached Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) has also been immediately filed.

The entire delay from the error to the filing of the present corrective action was therefore unintentional.

Dated: 11 August 2004


TODD N. HATHAWAY
Reg. No. 32,991